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~~sufficiently so the distal end of the vent tube is above the level of liquid trapped in the reservoir tube when the container is inverted.~~

REMARKS

The Office Action dated November 26, 1996 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-21 are pending in this application. Claims 1-21 stand rejected. Claims 1-12 have been cancelled.

The title has been amended as requested by the Examiner.

Applicants respectfully request that the objection to the abstract of the disclosure be withdrawn. Applicants have corrected the abstract as requested by the Examiner.

Applicants have submitted substitute drawing pages showing Figs. 15 and 18 with corrections in red. It is respectfully submitted that formal drawings be submitted upon allowance.

Applicants respectfully request that the objection to the disclosure be withdrawn. Applicants have deleted portions of the specification and Figs. 1- 11 which include the reference numerals which were not described in the specification.

Applicants respectfully request reconsideration of the rejection of claims 3-6, 9-12, 13-18 and 19 under 35 U.S.C. § 112 for being indefinite. Claims 3-6 and 9-12 have been cancelled. Claims 13 and 14 have been amended to distinguish the claimed airway in claim 13 from the claimed vent tube in claim 14. Moreover, the differences between the airway 618 and vent unit 612 are apparent in the drawings and in the specification in that they are two separate elements. (See specification on page 9 line 24 - page 10 line 30.) Claim 15 has been amended as requested by the Examiner to further highlight the insert's structure and function. Claims 13 and 19 have also been amended as requested by the Examiner to further define "sufficient." Claims 16-17 depend from claim 13 and claim 18 depends from

claim 13 via claim 14. Accordingly, claims 16-18 should be allowable along with claim 13.

For the reasons set forth above, Applicants respectfully request that the § 112 rejection of claims 3-6, 9-12, 13-18 and 19 be withdrawn.

Applicants respectfully request reconsideration of the rejection of claims 1-12 under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-10 of prior U.S. Patent No. 5,570,796. Claims 1-12 have been cancelled. Accordingly, Applicants respectfully request that the double patenting rejection be withdrawn.

Applicants respectfully request reconsideration of the rejection of claims 19 and 21 under 35 U.S.C. § 102(b) as being anticipated by Dunkerley. Dunkerley is directed to improvements in pouring devices for ink or other liquids. Applicants' claims 19 and 21 require a vent unit including a reservoir tube and a vent tube adapted to fit within the reservoir tube. Dunkerley fails to anticipate (or render obvious) a container comprising a receptacle having a vent tube adapted to fit within the reservoir tube, having a distal end, the vent tube projecting into the reservoir tube sufficiently so the distal end of the vent tube is above the level of the liquid trapped in the reservoir tube when the container is inverted. In contrast, the Dunkerley patent requires an inlet chamber having a very small substantially liquid-tight aperture approximately directly below the outlet. The Dunkerley patent fails to anticipate a vent unit including a reservoir tube and vent tube. In Applicants' claimed invention, as fluid is withdrawn from the container, air enters into the container through the vent unit. The vent tube is uniquely positioned within the reservoir tube. Thus, liquid within the container may enter the reservoir tube without entering the vent tube. The Dunkerley patent requires a substantially liquid-tight aperture to prevent the entrance of liquid into the inlet tube. The Dunkerley patent fails to anticipate (or render obvious) claims 19 or 21.

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For the reasons set forth above, Applicants respectfully request that the § 102(b) rejection of claims 19 and 21 be withdrawn.

Since claims 1-12 have been cancelled, Applicants respectfully submit that the issue of priority under 35 U.S.C. §§ 102(g) and possibly 102(f) in light of claims 1-10 of U.S. Pat. No. 5,570,796 has been resolved.

Applicants respectfully request reconsideration of the rejection of claims 1-12 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 5,570,796 to Brown et al. In particular, claims 1-12 have been cancelled.

Applicants respectfully request reconsideration of the rejection of claims 13-21 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 6-10 of U.S. Patent No. 5,570,796 in view of Dunkerley. Applicants have enclosed herewith a terminal disclaimer in compliance with 37 CFR 1.321(b) and (c). In addition, Applicant has enclosed herewith a copy of the assignment for this application to New Vent Designs, Inc. and a copy of the assignment for U.S. Patent No. 5,570,796 from the inventors to New Vent Designs, Inc. The inventors for U.S. Patent No. 5,570,796 were aware of and had an ongoing existing obligation to assign the invention to New Vent Designs, Inc. Accordingly, this application and U.S. Patent No. 5,570,796 have common ownership under 37 CFR 1.78(d). Moreover, Applicant's application is a continuation in part of Ser. No. 08/511,590, now issued as U.S. Patent No. 5,570,796. Furthermore, as noted above, Dunkerley is directed to improvements in pouring devices for ink and other liquids. Dunkerley fails to teach or render obvious a nursing bottle comprising a container, a vent unit and an airway or a container having a receptacle, a vent unit having a reservoir tube and a vent tube adapted to fit within the reservoir tube as in Applicant's claimed invention. In addition, it would not have been obvious to modify the bottle of U.S. Patent No. 5,570,796 with Dunkerley. There is no teaching or suggestion in the art to

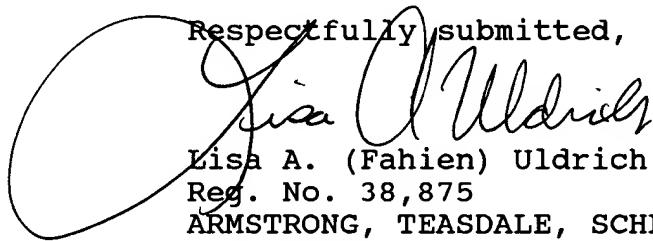
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combine U.S. Patent No. 5,570,796 with Dunkerley. See, e.g., In re Fritch, 28 USPQ2d 1870 (Fed. Cir. 1992).

For the reasons set forth above, Applicants respectfully request that the judicially created doctrine of obviousness-type double patenting rejection of claims 13-21 based on claims 6-10 of U.S. Patent No. 5,570,796 in view of Dunkerley be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,



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